

Judge Davis,

December 9, 2013

Hello,

4:12cr28

I am writing you in concern to my case. I recieved a copy of the transcripts from the hearing on 7-9-13, and I have a huge concern that the courts should consider.

Your honor, if you look at page 56 line 19-25 and then to page 57 line 1-7, you will see that Mr. Diamonstein said in his own words that "he doesn't know if he can effectively continue to represent me. Your honor, the Sixth Amendment guarantees me the right to effective assistance of counsel in criminal prosecutions. Mr. Diamonstein clearly stated that he is in other words going to violate my Sixth Constitutional Amendment Right. Sir, this is the same man who filed an motion to withdraw my guilty plea, after he stated the court on 7-9-13 that it would put him in an "very awkward" position to formulate

the reasoning behind withdrawing the plea.

Now, Mr. Diamonstein failed to consult with me, regarding the motion to withdraw, and he "most certainly did not attempt" to provide "substantial" and powering evidence to even allow the courts to consider granting my motion, let alone, having an evidentiary hearing. He failed to discover & present mitigating evidence which is in fact a violation of my 6th (Sixth) Amendment right to effective counsel.

Mr. Diamonstein, did not speak with me about the letter dated 7-4-13 being my evidence to assert my innocence. He did not act reasonably, and his actions were outside the wide range of professionally competent assistance.

Again, I am asking that the courts allow me now counsel.

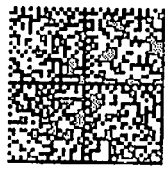
Thank You,
Respectfully Submitted

Sincerely,
Michael Tucker

THE CLERK OF COURT
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL TUCKER
WTR
26102 Gadsden Blvd.
Suffolk, VA 23134

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M.T.
S-1
11 Chancelle Lodge Lane
US. District Court House
6900 Cambel
Norfolk, VA 23510

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